

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

WINERIES OF THE OLD MISSION PENINSULA (WOMP) ASSOC., a Michigan nonprofit corporation; BOWERS HARBOR VINEYARD & WINERY, INC., a Michigan corporation; BRY'S WINERY, LC, a Michigan corporation; CHATEAU GRAND TRAVERSE, LTD, a Michigan corporation; CHATEAU OPERATIONS, LTD, a Michigan corporation; GRAPE HARBOR, INC., a Michigan corporation; MONTAGUE DEVELOPMENT, LLC, a Michigan limited liability company; OV THE FARM, LLC; a Michigan limited liability company; TABONE VINEYARDS, LLC, a Michigan limited liability company; TWO LADS, LLC, a Michigan limited liability company; VILLA MARI LLC, a Michigan limited liability company; WINERY AT BLACK STAR FARMS, L.L.C., a Michigan limited liability company,

Plaintiffs,

v

PENINSULA TOWNSHIP, a Michigan municipal corporation,

Defendant.

Case No. 1:20-cv-01008

HON. PAUL L. MALONEY  
MAG. JUDGE RAY S. KENT

**TOWNSHIP'S MOTION TO  
ALTER OR AMEND JUDGMENT**

**ORAL ARGUMENT REQUESTED**

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**TOWNSHIP’S MOTION TO ALTER OR AMEND JUDGMENT**

Defendant Peninsula Township (“Township”), by the undersigned counsel, respectfully moves for an order to alter or amend the Judgment and vacate the Court’s Injunction for the reasons described in the accompanying Brief in support of this Motion.

1. On June 3, 2022, the Court issued a Judgment granting an Injunction, enjoining the Township “from enforcing all of the sections of the Township Ordinance that the Court has found unconstitutional or contrary to law” (PageID.6029).

2. On June 17, 2022, the Township filed a Notice of Appeal (PageID.6032-6086) in accordance with 28 U.S.C. 1292(a)(1).

3. On June 21, 2022, the Sixth Circuit Court of Appeals docketed the appeal and assigned it docket number 22-1534 (PageID.6086-6088).

4. On June 27, 2022, the Township filed its Corrected Motion for Stay of Injunction Pending Appeal (PageID.6218-6339).

5. The Township now files this Motion to Alter or Amend Judgment pursuant to Fed. R. Civ. P. 59(e).

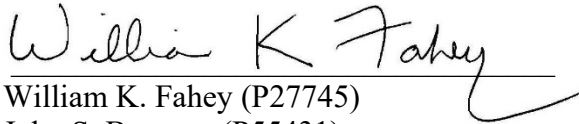
6. For the reasons expressed in the attached Brief in Support of this Motion, the Court should alter or amend the Judgment in part and vacate the Injunction.

7. Under Local Rule 7.1(d), concurrence in the relief requested was sought but denied by opposing counsel.

Respectfully submitted,

*Fahey Schultz Burzych Rhodes PLC*  
Co-Counsel for Defendant Peninsula Township

Dated: July 1, 2022

  
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**CERTIFICATE OF SERVICE**

I, Kaylin J. Marshall, hereby certify that on the 1st day of July, 2022, I electronically filed the foregoing document with the ECF system which will send a notification of such to all parties of record.

/s/ Kaylin J. Marshall  
Kaylin J. Marshall